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10/092,261	03/07/2002	Mikko Makipaa	004770.00042	9273

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EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/092,261

Applicant(s)

MAKIPAA ET AL.

Examiner

Shawn M. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is in response to communication filed 9/23/03.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,507,351 to Bixler.

Referring to claim 1, Bixler discloses an apparatus for displaying screen saver views managed by a screen saver program and generated by a computer application operating in a screen saver mode with a storage medium and a processor coupled to the storage medium. See Fig. 1, 101 (Central Processor Unit with Data Storage Memory). Bixler discloses (a) monitoring the apparatus for detecting inputs from a command entry device. The apparatus of Bixler (b) determines whether a timeout period of inactivity has been exceeded, and (c) in response to step (b), starts a screen saver program (see col. 7, lines 17-21) and d) executes an application in a screen saver mode based on instructions from the screen saver program. See col. 2, lines 6-45 and col. 5, line 25 - col. 6, line 10, which describe how the information management system control program (Fig. 1, 100) is a screen saver program that controls (contains instructions for) what information and images of applications are included in a screen saver mode. The application of Bixler is a program that is fully functional in a full application mode and that is

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less than fully functional in a screen saver mode. The application creates images for presentation on a display screen in the screen saver mode. See col. 2, lines 6-15 and col. 3, lines 1-12, which describe several applications that may be implemented and fully functional in a full application mode, such as e-mail, scheduling and appointment data, web-site content, etc., and is displayed less than fully functional in a screen saver mode. These utility programs (applications) are automatically accessed to receive updated information (col. 2, lines 55-58); therefore, in order for the screen saver mode to retrieve and display the updated information, the screen saver program executes the application (utility program). As an example, see col. 3, lines 52-64, which describes presenting selected information from a web site, which means executing a less than fully functional web browser (application) in order to retrieve the selected information (i.e. bid results).

Referring to claim 14, Bixler discloses a wireless communication device (PDA), comprising a receiver, a memory storing data, and a display screen. See col. 2, lines 46-51 and Fig. 1, 101. Bixler discloses at least one application stored in the memory having at least one handle executing the at least one application in a screen saver mode when the at least one handle is selected, the at least one application creating images for presentation on the display screen in the screen saver mode, and a screen saver program stored in the memory that during operation of the screen saver program, selects the at least one application handle. See col. 2, lines 32 - col. 3, line 12. As an example, see col. 3, lines 52-64, which describes presenting selected information from a web site when the handle (pointer) to the web browser is invoked in the display cycle (col. 7, lines 32-55), which means executing a less than fully functional web browser (application) in order to retrieve the selected information (i.e. bid results).

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Referring to claim 2, Bixler describes that the apparatus may be any computer device having a display, including a PDA, which is a wireless communication device. See col. 2, lines 46-51.

Referring to claims 3 and 15, the apparatus of Bixler further contains a carousel stored in the storage medium, and an application handle stored in the carousel ("display cycle"), the handle being associated with the application and executing the application in the screen saver mode. See col. 7, lines 32-55, which describes how several applications are displayed through the "display cycle". Each application must contain a handle to be identified.

Referring to claims 4 and 16, the carousel ("display cycle") of Bixler contains a database stored in the storage medium containing the application handle and rules for selecting the application handle. See col. 7, lines 2-7.

Referring to claims 5 and 17, the rules of Bixler are definable by a user of the apparatus. See col. 7, line 34, which describes how the duration, frequency, and order are user-selected. Also, see col. 7, lines 44-47.

Referring to claims 6 and 18, the rules of Bixler comprise default rules. See Figs. 7-14, which show the set-up menus, which have options that are initialized to default settings.

Referring to claims 7 and 19, the database of Bixler further contains application execution parameters associated with the handle, wherein the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application. See col. 7, lines 32-55, which describe how the applications are displayed according to selected display characteristics (parameters).

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Referring to claims 8 and 20, the application additionally has another handle comprising different execution parameters. For example, see col. 11, lines 14-46, which describe how the different parameters (characteristics) may be accessed.

Referring to claims 9 - 10 and 21, the apparatus of Bixler is in communication with a network (i.e. Internet) and displays current information generated by the application operating in the screen saver mode based on data received from the network, and the images are continually updated in response to data received from the network. For example, see col. 3, lines 58-64.

Referring to claim 22, one of the parameters of Bixler that is associated with the network application is a uniform resource locator (URL). See col. 10, lines 14-16.

Referring to claim 23, the device of Bixler is has at least one application written in a Java programming language. See col. 6, line 43, which describes how an application may be for a web browser, which may be written in a Java programming language (i.e. JavaScript).

Referring to claim 11, the processor of Bixler further performs the step of (e) executing at least one additional application in a corresponding screen saver mode, the at least one additional application being a program that is fully functional in a corresponding full application mode and that is less than fully functional in a corresponding screen saver mode, the at least one additional application creating images for presentation on the display screen in the corresponding screen saver mode. See col. 2, lines 34-39, which describes several applications that are displayed in a screen saver mode.

Referring to claim 12, Bixler discloses that the processor cycles between performing steps (d) and (e) according to an order. See col. 7, lines 32-55.

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Referring to claim 13, the order of Bixler comprises rules for scheduling the execution of applications in their respective screen saver modes. See col. 7, lines 44-47.

Referring to claim 24, Bixler discloses a method of creating screen saver displays on a display device, the device having a display screen, and a storage medium. See Fig. 1, 101 and 103. The device of Bixler has a screen saver computer program stored in the storage medium, a screen saver carousel ("display cycle") stored in the storage medium (col. 2, line 46 - col. 3, line 12), and an application stored in the storage medium that is fully functional in a full application mode and less than fully functional in a screen saver mode. See col. 2, lines 6-15 and col. 3, lines 1-12, which describe several applications that may be implemented and fully functional in a full application mode, such as e-mail, scheduling and appointment data, web-site content, etc., and is displayed less than fully functional in a screen saver mode. These utility programs (applications) are automatically accessed to receive updated information (col. 2, lines 55-58); therefore, in order for the screen saver mode to retrieve and display the updated information, the screen saver program executes the application (utility program). As an example, see col. 3, lines 52-64, which describes presenting selected information from a web site, which means executing a less than fully functional web browser (application) in order to retrieve the selected information (i.e. bid results).

The method of Bixler adds an application handle (identifier) to execute an application in a screen saver mode to the screen saver carousel. See col. 3, lines 1 and 5. The method starts the screen saver program in response to exceeding a timeout period of inactivity (col. 3, lines 8-9) and selects the application handle via the screen saver program (control program) to execute the application in the screen saver mode. For example, see col. 7, lines 32-55.

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Referring to claim 25, the applications of Bixler (i.e. spreadsheets; col. 2, lines 7-15) must be installed on the display device (i.e. PDA). The method comprises selecting an option for the application to operate in the screen saver mode. See col. 2, lines 51-64, which describe the setup menus for selecting the applications that are to operate in the screen saver mode.

Referring to claim 26, the applications of Bixler (i.e. scheduling and appointment applications; col. 2, lines 7-15) are pre-installed on the device, and the method executes the application in a full application mode on the display device, and selects an option for installing a screen saver mode for the application to operate in the screen saver mode. See col. 2, lines 30-39 and col. 10, lines 50-57, which describe the applications being executed in both full application mode and screen saver mode.

Referring to claim 27, the method of Bixler monitors the display device for a timeout signal that the application has exceeded a time period allotted for operation in the screen saver mode. See col. 7, lines 17-21. In response to the detecting the timeout signal, if another application has been configured to operate in a screen saver mode, Bixler executes another application in a screen saver mode associated with the another application. For example, see col. 7, lines 32-55, which describe how several application are displayed in a screen saver mode in a "display cycle".

Referring to claim 28, the method of Bixler monitors the display device for an input signal from a command entry, and if a signal is received from the command entry device after the application has been executed, determining whether the executed application operating in the screen saver mode is an interactive application, and if the executed application is an interactive



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program, terminating the screen saver program, and executing the interactive program in a full application mode. See col. 10, lines 50-58.

Referring to claim 29, Bixler discloses a computer readable medium having computer-executable instructions for performing steps comprising monitoring activity on a device having a display screen (col. 2, lines 46-51). Bixler determines whether a timeout period of inactivity on the device has been exceeded and starts a screen saver program (col. 7, lines 17-21). Bixler evaluates whether a screen saver carousel (“display cycle”) contains application handles (identifiers), each of the application handles executing a respective application in a screen saver mode when selected by the screen saver program. See col. 2, lines 33-39 and col. 7, lines 32-55 as examples. If the carousel (“display cycle”) contains at least one application handle, and if the timeout period has been exceeded, Bixler selects the at least one application handle to execute the respective application. See col. 7, lines 32-55.

Referring to claim 30, the activity being monitored in Bixler is the detection of input signals from a command entry device in communication with the device (col. 7, lines 17-21). If a signal is not received from the command entry device, if a timeout period for operation of the respective application is exceeded, and if the carousel contains more than one handle, Bixler selects a different handle to execute another respective application associated with the different handle. See col. 7, lines 32-55, which describe the “display cycle” of different applications.

Referring to claim 31, the respective application associated with the at least one handle and the respective application associated with the different handle of Bixler are the same application configured for operation in different screen saver modes depending on the handle

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selected. See Figs. 7-14, which show the set-up menus, which may be configured for different screen saver modes.

Referring to claim 32, the respective application associated with the at least one handle and the respective application associated with the different handle are different applications. See col. 7, lines 32-55 and col. 2, lines 6-15, which describe different applications that may run in the screen saver mode.

Referring to claim 33, Bixler discloses that the activity being monitored is the reception of input signals from a command entry device (keyboard or mouse) in communication with the device. If a signal is received from the command entry device, after the respective application is executed, Bixler determines whether the respective application currently operating in the screen saver mode is an interactive application, and if the respective application is an interactive program, Bixler terminates the screen saver program and executes the respective interactive program in full application mode. See col. 10, lines 50-58.

Referring to claim 34, Bixler discloses a portable device (PDA; col. 2, line 51) comprising a display screen (Fig. 1, 103), a memory (Fig. 1, 101), and a command entry device (Fig. 1, 102). Bixler discloses a computer application stored in the memory, the application having at least one handle (identifier) executing the application in a screen saver mode when the at least one handle is selected. The application of Bixler is a program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. The application creates images for presentation on a display screen in the screen saver mode. See col. 2, lines 6-15 and col. 3, lines 1-12, which describe several applications that may be

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implemented and fully functional in a full application mode, such as e-mail, scheduling and appointment data, web-site content, etc., and is displayed less than fully functional in a screen saver mode.

Bixler discloses a different computer application stored in the memory having at least one different handle executing the different application in a different screen saver mode when the at least one different handle is selected, rules stored within the memory (database) for determining the scheduling for selecting the at least one handle, and parameters (characteristics) stored within the memory associated with the at least one handle for controlling operational aspects of the application. See col. 7, lines 32-55.

Bixler discloses a screen saver program stored in the memory selecting the at least one application handle during operation of the screen saver program according to the rules, and a processor coupled to the memory that monitors the device for detecting inputs from the command entry device, determines whether a timeout period of inactivity from the inputs has been exceeded, and in accordance with the instructions from the screen saver program, selects the at least one handle stored in the carousel ("display cycle"). See col. 2, line 46 - col. 3, line 12.

If a signal is not received from the command entry device, if a timeout period for operation of the respective application is exceeded, and if the carousel contains more than one handle, Bixler selects a different handle to execute another respective application associated with the different handle. See col. 7, lines 32-55, which describe the "display cycle" of different applications.

If a signal is received from the command entry device, after the respective application is executed, Bixler determines whether the respective application currently operating in the screen saver mode is an interactive application, and if the respective application is an interactive program, Bixler terminates the screen saver program and executes the respective interactive program in full application mode. See col. 10, lines 50-58.

### *Response to Arguments*

3. Applicant's arguments filed 9/23/03 have been fully considered but they are not persuasive. Applicant argues that since Bixler compiles information from utility applications, inserts this information into a database, and displays the information from the database in a screen saver screen, that the screen saver program of Bixler only displays screen saver screens and not other applications. However, in order to generate the screen saver screens, the screen saver program of Bixler executes a less than fully functional utility application (that is fully functional in full application mode; i.e. spreadsheets, email, web browser). There are several examples throughout Bixler, such as monitoring an email program (col. 5, line 62 - col. 6, line 5). The screen saver program must interact with/execute less than fully functional email programs to retrieve and display the new mail. Similarly, Bixler describes pulling web content, which requires a less than fully functional web browser to pull the specified content (col. 3, lines 53-64). Furthermore, since the information displayed in the screen saver program of Bixler is taken directly from fully functional utility programs, the viewing of the information/file is itself a less than fully functional execution of the application. Applicant argues that the activation of the utility program upon user input and deactivation of the screen saver program of Bixler provides

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evidence that the screen saver program does not display other utility programs. However, what is activated is the fully functional application. This does not negate the fact that Bixler displays less than fully functional applications (i.e. email and web browsers) in the screen saver mode by displaying updated emails and web content (views of information taken directly from the fully functional applications). The claims do not require that the applications in the screen saver mode are interactive (receive input).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100